

NATHAN SOMMER,)
Plaintiff,)
-vs-)
DOVER CORPORATION,)
Defendant.)

39C01-2002-PL-00174

Jefferson Circuit Court

COMPLAINT FOR DAMAGES AND INJUNCTIVE RELIEF
Jury Trial Requested

Plaintiff by counsel complains against Defendant as follows:

Jurisdiction And Venue

1. This action arises under 42 U.S.C. §§ 12101 et seq., the Americans with Disabilities Act of 1991 (“ADA”) and 38 U.S.C. §§ 4301 et seq., the Uniformed Services Employment and Reemployment Rights Act (USERRA).
2. This Court has jurisdiction of this cause.
3. Venue is proper under Indiana Rule of Trial Procedure 75(A) since the cause of action arose in Jefferson County, Indiana.

Parties

4. Plaintiff Nathan Sommer (“Sommer”) is an adult, a citizen of the United States, a resident of Jefferson County, Indiana.
5. Defendant Dover Corporation (“Dover”) is a corporation, doing business in the state of Indiana.

Facts

6. Dover hired Sommer as an employee in or about September 2014.
7. Sommer was continuously employed by Dover until on or about 16 May 2019.

8. Sommer was active duty Army, discharged May 2013, and then in the inactive reserves until May 2017.

9. Sommer was arrested and charged with Strangulation and Domestic Battery in the Jefferson Superior Court, Cause No. 39D01-1902-F6-000233.

10. Dover told Sommer that they were worried that because of his military status that they were worried that he had Post-Traumatic Stress Disorder (“PTSD”).

11. Sommer does not have PTSD.

12. PTSD is a “disability” as defined by 42 U.S.C. § 12102(1).

13. Dover fired Sommer on or about 16 May 2019.

14. Dover also asserted it fired Sommer because of his arrest.

15. Dover has not fired other employees arrested and charged with similar offenses.

16. Alternatively, Dover fired Sommer and in doing so failed to give him the leave to which he was entitled under the USERRA; it also failed to restore Sommer to his former position.

17. Dover denied Sommer leave and benefits to which he was entitled.

18. Alternatively, Defendant fired Sommer due to his disability.

19. Sommer filed a Charge of Discrimination with the EEOC 8 November 2019 alleging Dover fired him illegally due to his perceived disability, and also his veteran status.

20. The EEOC issued Sommer a Dismissal and Notice of Suit Rights
22 January 2020.

Causes of Action

21. Dover violated 38 U.S.C. § 4311.
22. Sommer is entitled to recover against Dover pursuant to 38 U.S.C. § 4323, and an award of attorney's fees pursuant to 38 U.S.C. § 4323(h).
23. Dover violated 42 U.S.C. § 12112.
24. Sommer is entitled to recover against Dover pursuant to 42 U.S.C. § 12117(a).

Claims For Relief

25. Sommer requests that this Court assume jurisdiction over this cause, grant him compensatory and liquidated damages, interest, costs, and attorney fees, and order Dover to rehire him, along with all other just and proper relief in the premises.

Jury Trial Request

26. Plaintiff requests a trial by jury on all legal issues.

/s/Christopher K. Starkey

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